

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 155 - HB 271

February 26, 2017

SUMMARY OF BILL: Prohibits state and local government entities from adopting or enacting sanctuary policies limiting or restricting state and federal immigration policies and laws. Authorizes a person residing in a municipality or county to file a complaint of a violation in chancery court. Requires the Attorney General and Reporter (AG) to receive written complaints from residents of Tennessee regarding violations. Authorizes members of the General Assembly to request an investigation and opinion from the AG as to whether a local government entity or official has committed a violation. Requires the AG to issue a public opinion following an investigation into a complaint or request. Prohibits any governmental entity or official determined to have adopted or enacted a sanctuary policy from receiving state funds. Such ineligibility for funding shall continue from the date the opinion is issued until the AG certifies that the policy in violation has been repealed.

ESTIMATED FISCAL IMPACT:

Other Fiscal Impact – To the extent a local government entity is found to be out of compliance with sanctuary policy requirements, state funding will be withheld from such entity resulting in an increase in state revenue and a corresponding decrease in local revenue. However, the timing and the extent of any such impact is dependent upon multiple unknown factors and cannot be reasonably determined.

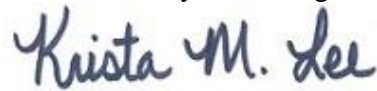
Assumptions:

- All state government entities are assumed to currently be in compliance with state and federal immigration law.
- It is assumed that local governments are currently in compliance or will choose to comply with the provisions on the bill in order to avoid a loss in state funding.
- To the extent a local government entity is found to be out of compliance with sanctuary policy requirements, state funding will be withheld from such entity.
- The precise fiscal impact related to any funds being withheld is dependent upon multiple unknown factors and cannot be reasonably determined.
- Pursuant to Tenn. Code Ann. § 7-68-104, an individual can currently file similar complaints with chancery courts regarding violations of immigration law. Any impact on the court system is estimated to be not significant.

- Pursuant to Tenn. Code Ann. § 8-6-109(b)(6) the AG is currently required to give opinions to members of the General Assembly. Any impact related to requests from members of the General Assembly is considered not significant.
- According to the AG's website, an AG opinion cannot be issued to county or local government officials or private citizens. This bill would require the AG to receive complaints from citizens, investigate such complaints, and issue opinions regarding such complaints.
- Currently the AG receives various complaints regarding unauthorized practice of law, nonprofits, and consumer complaints.
- A new complaint form can be posted on the AG's website within existing resources without a significant increase in state expenditures.
- Due to the potential loss of state funding, the number of violations in any given year is estimated to be not significant; therefore, the number of complaints in a given year relative to sanctuary policy regulations is considered not significant.
- Any increase in state expenditures to receive and investigate complaints from citizens regarding violations of sanctuary policy regulations by government entities is considered not significant.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Krista M. Lee, Executive Director

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